#### The Minutes

#### November 21, 2005

At 9:32 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Blease, Associate Justice; Hull, Associate Justice; and Rios, bailiff.

#### C048033 THE PEOPLE v. DIETZ

Cause called. Matt Wilson, court appointed counsel, argued for appellant. Robert Gezi, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:33 a.m., the court recessed. At 10:04 a.m., the court reconvened with Blease, Associate Justice; Hull, Associate Justice; and Butz, Associate Justice

#### C046805 THE PEOPLE v. McELROY

Cause called. Victor Blumenkrantz, court appointed counsel, argued for appellant. Paul A. Bernardino, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:18 a.m., the court recessed. At 10:21 a.m., the court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Butz, Associate Justice.

#### C045013 THE PEOPLE v. JONES, JR.

Cause called. Mark Christianson, court appointed counsel, argued for appellant. Carlos A. Martinez, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:45 a.m., the court recessed. At 10:50 a.m., the court reconvened with Morrison, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

#### C046420 THE PEOPLE v. BALDACCHINO

Cause called. Cyrus Zal argued for appellant and submitted additional citations. David Andrew Eldridge, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:05 a.m., the court recessed. At 2:03 p.m., the court reconvened with Blease, Associate Justice; Nicholson, Associate Justice; and Morrison, Associate Justice.

#### C048196 HOUSING AUTHORITY OF THE CITY OF SACRAMENTO v. STOCKETT et al.

Cause called. Patricia Kramer argued for appellants. James Bell Gilpin argued for respondent. Cause submitted.

#### The Minutes

#### November 21, 2005, continued

At 2:27 p.m., the court recessed. At 2:30 the court reconvened with Blease, Associate Justice; Nicholson, Associate Justice; and Cantil-Sakauye, Associate Justice.

#### C045865 HINESLEY v. OAKSHADE TOWN CENTER

Cause called. C. Athena Roussos argued for appellant. Gilbert Khachadourian argued for respondent. Cause submitted.

#### C047056 THE PEOPLE v. PEOPLES

Cause called. Kevin A. Hicks, Deputy Attorney General, argued for respondent. Richard J. Cohen, court appointed counsel, argued for appellant. Cause submitted.

At 3:11 p.m., the court recessed. At 3:18 p.m., the court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Butz, Associate Justice.

#### C047833 PITTS v. NAJERA, as Chief of Police, etc., et al.

Cause called. Amanda Uhrhammer argued for appellant. Matthew D. Ruyak, City Attorney, argued for respondents. Cause submitted.

At 3:54 p.m., the court recessed until 9:30 a.m., Monday, December 19, 2005.

#### C045764 THE PEOPLE v. MIERS

(Not for Publication)

The judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment and to forward a certified copy to the Department of Corrections and Rehabilitation.

DAVIS, Acting P.J.

We Concur: Morrison, J.

Butz, J.

#### C046571 THE PEOPLE v. ACOSTA

(Not for Publication)

The judgment is affirmed.

DAVIS, J.

We Concur: Scotland, P.J.

Butz, J.

#### C047245 THE PEOPLE v. RUGG

(Not for Publication)

The judgment is affirmed.

CANTIL-SAKAUYE, J.

I concur: Butz. J.

I concur, but write separately...

Morrison, Acting P.J.

#### The Minutes

#### November 21, 2005, continued

C047259 THE PEOPLE v. MORRIS (Not for Publication)

The judgment is affirmed. The trial court is directed to correct its minutes

to properly reflect the verdict on count two and its included offense.

ROBIE, J.

We Concur: Scotland, P.J.

Nicholson, J.

C047334 THE PEOPLE v. HINES (Not for Publication)

The judgment is affirmed.

DAVIS, Acting P.J.

We Concur: Raye, J.

Hull, J.

C047510 THE PEOPLE v. VANDERGRIFF (Not for Publication)

The judgment is affirmed.

ROBIE, J.

We Concur: Nicholson, Acting P.J.

Raye, J.

C047539 THE PEOPLE v. PETERSON (Not for Publication)

The judgment is affirmed.

DAVIS, J.

We Concur: Sims, Acting P.J.

Robie, J.

C047847 THE PEOPLE v. MARTINEZ (Not for Publication)

The judgment is modified... As modified, the judgment is affirmed.

ROBIE, J.

We Concur: Scotland, P.J.

Blease, J.

C047911 THE PEOPLE v. DELAMORA (Not for Publication)

... the petition for rehearing is denied.

SCOTLAND, P.J.

We Concur: Sims, J.

Raye, J.

C048494 THE PEOPLE v. McBROOME (Not for Publication)

The judgment is affirmed.

MORRISON, J.

We Concur: Nicholson, Acting P.J.

Raye, J.

#### The Minutes

#### November 21, 2005, continued

C048944 THE PEOPLE v. VARGAS (Not for Publication)

The judgment is affirmed.

NICHOLSON, Acting P.J.

We Concur: Robie, J.

Cantil-Sakauye, J.

C049740 THE PEOPLE v. PEKAREK (Not for Publication)

The judgment is affirmed.

ROBIE, J.

We Concur: Scotland, P.J.

Nicholson, J.

C049799 THE PEOPLE v. MITCHELL (Not for Publication)

The judgment is affirmed.

ROBIE, J.

We Concur: Scotland, P.J.

Cantil-Sakauye, J.

C044486 BOURNE et al. v. MANUELLI (Not for Publication)

The judgment is reversed. The trial court's order directing Victor to repay

\$100,000 is vacated. Victor shall pay no costs on appeal.

RAYE, J.

We Concur: Nicholson, Acting P.J.

Morrison, J.

C047444 THE PEOPLE v. ONE BLAUPUNKT CELLULAR TELEPHONE et al. and RICH

(Not for Publication)

The order (judgment) of dismissal is affirmed.

NICHOLSON, J.

We Concur: Sims, Acting P.J.

Cantil-Sakauye, J.

C047456 In re JORDAN S.; THE PEOPLE v. JORDAN S.

(Not for Publication)

The judgment is affirmed.

DAVIS, J.

We Concur: Sims, Acting P.J.

Morrison, J.

#### The Minutes

#### November 21, 2005, continued

#### C049429 In re R.G.; SUTTER COUNTY HUMAN SERVICES AGENCY v. J.W. (Not for Publication)

The order terminating the parental rights of appellant is affirmed.

HULL, J.

We Concur: Sims, Acting P.J.

Davis, J.

C046798 **WILLIAMS v. MARCUS** 

BY THE COURT:

Respondent's petition for rehearing is denied.

NICHOLSON, Acting P.J.

#### C047961 CHRISTOFF v. UNION PACIFIC RAILROAD COMPANY

(CERTIFIED FOR PUBLICATION)

THE COURT:

The opinion in the above entitled matter filed on October 27, 2005, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered.

(Certified for Publication.)

FOR THE COURT:

SIMS, Acting P.J. MIORRISON, J.

HULL, J.

#### **November 22, 2005**

C047001 THE PEOPLE v. CHIESA (Not for Publication)

The judgment is affirmed.

Nicholson, J.

We Concur: Blease, Acting P.J.

Morrison, J.

C047475 THE PEOPLE v. LUCERO (Not for Publication)

The matter is remanded to the trial court for an in camera hearing on the

discovery motion...

NICHOLSON, Acting P.J.

We Concur: Raye, J.

Morrison, J.

#### The Minutes

#### November 22, 2005, continued

C047999 THE PEOPLE v. WILSON (Not for Publication)

The judgment is affirmed.

SIMS, J.

We Concur: Blease, Acting P.J.

Hull, J.

C048281 THE PEOPLE v. DAVIS (Not for Publication)

The judgment is affirmed.

NICHOLSON, J.

We Concur: Scotland, P.J.

Robie, J.

# C046744 CLAUDIO v. REGENTS OF THE UNIVERSITY OF CALIFORNIA (CERTIFIED FOR PUBLICATION)

The judgment is reversed. The trial court is directed to enter a new order denying the motion for summary judgment but granting summary adjudication in favor of the Regents on Counts Two, Three, and Four. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 27(a) (4).)

SIMS, Acting P.J.

We Concur: Davis. J.

Cantil-Sakauye, J.

#### C048750 OLSEN v. HARBISON, III (CERTIFIED FOR PUBLICATION)

The motion to dismiss the appeal is granted. As sanctions for a frivolous appeal, Harbison shall, within 15 days after the finality of this opinion, pay to Olsen, the sum of \$16,727.50 and to the clerk of this court the sum of \$2,500. Olsen shall recover his costs on appeal. (Cal. Rules of Court, rule 27(a) (1).)

SIMS. J.

We Concur: Scotland, P.J.

Davis, J.

# C049968 In re NAOMI I.; SUTTER COUNTY WELFARE AND SOCIAL SERVICES DEPARTMENT v. JESSICA I. (Not for Publication)

The orders of the juvenile court are affirmed.

SIMS, Acting P.J.

We Concur: Raye, J.

Butz, J.

#### The Minutes

#### November 22, 2005, continued

### C048190 BARNES, as Trustee, etc., et al. v. TEHAMA COUNTY BOARD OF

**SUPERVISORS** 

BY THE COURT:

Respondent's request to publish the opinion filed on October 25, 2005, is denied.

SCOTLAND, P.J.

#### C050979 MAGARRELL v. GARRETT METAL DETECTORS

BY THE COURT:

Appellant's petition for rehearing is denied. SCOTLAND, P.J.

#### **November 23, 2005**

#### C048479 THE PEOPLE v. MARTIN (Not for Publication)

The judgment is modified... As so modified, the judgment is affirmed...

BUTZ, J.

We Concur: Blease, Acting P.J.

Raye, J.

#### C049273 THE PEOPLE v. MARTINEZ (Not for Publication)

Defendant's sentence is vacated. The matter is remanded to the trial

court for resentencing to permit the court to exercise its discretion.

BUTZ, J.

We Concur: Blease, Acting P.J.

Raye, J.

#### C048133 CICAIROS et al. v. SUMMIT LOGISTICS, INC.

(CERTIFIED FOR PUBLICATION)

THE COURT:

It is ordered that the opinion filed herein on October 27, 2005, be modified as follows:...

... This modification does not change the judgment.

The petition for rehearing is denied. (CERTIFIED FOR PUBLICATION.)

THE COURT:

NICHOLSON, Acting P.J.

RAYE, J. ROBIE, J.

#### November 24, 2005

There were no minutes for this date.

## **The Minutes**

November 25, 2005

There were no minutes for this date.